IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1364 OF 2006

Shri.Anil Kejriwal and others. ..Applicants.
Vs.
The State of Maharashtra and anr. ..Respondents.

Mr. S.P. Kadam for the Applicants.
Mr. Suresh Kumar for the Respondent No.2.
Mr.K.V.Saste, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 24-7-2006.

P.C.

1. Heard both sides.

2. It appears that there is an apprehension of arrest because show cause notice has been issued by the Provident Fund Commissioner to the applicant. Apart from issuance of such notice certain property i.e. immovable property of the company has been attached. In my view, in view of the proviso to Section 8(B) of the Employees Provident Fund and Misc. Provisions Act, 1973, it would be desirable that an attempt should be made by the respondent No.2 to sell the attached property. Therefore, the respondent No.2 is at liberty to sell the attached property and adjust the monies of the sale proceeds towards its full dues in accordance with law. If there is any excess amount recovered by

respondent No.2, same should be refunded to the applicant forthwith. However, if there is any shortfall after sale of the property, the respondent No.2 will be at liberty to issue a fresh show cause notice and then proceed under Section-8(B) or (C) of the said Act. The applicant not to be arrested unless such procedure is followed.

2. Application is disposed off.

(R. S. MOHITE, J.)